

Remarks/Arguments:

These remarks are responsive to the Office Action of September 19, 2008. Claims 7 and 8 are amended to recite that the claimed method initiates early flowering (or fruiting) and budding in nonleguminous plants. Support for these amendments is found in the specification of the published application, US 2007/0027032, in paragraph [0008]. No new matter is added by these amendments. New claims 14-16 have been added. Support for the new claims is found in the specification at paragraph [0010], and Tables 1-4, 5A, 6, 7, 2-2, 2-3, 2-4, 2-5, and 8.

The Office Action states on page 4 that the ISR on the IDS was not initialed because there was no date entered on the IDS form. A new IDS is submitted herewith, which includes the date for the ISR.

The Office Action states on page 5 that not all inventors have signed the oath/declaration. Signed declarations are submitted herewith.

Claims 7-13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Smith, WO 00/04778. Applicants traverse these rejections for at least the following reasons.

As stated in the Office Action, Smith teaches the effects of LCOs on germination, emergence, photosynthesis and growth. Smith does not teach or suggest any effect of LCOs on the timing or amount of flowering, fruiting, or yield in a nonleguminous plant as required by amended claims 7-9. Because Smith does not teach or suggest these claim elements, Smith cannot anticipate or render obvious claims 7-9.

Claims 7-13 stand rejected under 35 U.S.C. § 102(e) as anticipated by Bonnell, ICID Young Professionals Forum, Abstract F-21. Applicants traverse these rejections for the following reasons.

It is Applicants' understanding that the Bonnell abstract was not published until July 2003, which is after the priority date of April 2003 for this application. Therefore, the Bonnell abstract is not prior art to this application and cannot anticipate the application. However, even if the Bonnell was prior art, Bonnell discloses the effects of LCOs on soybean (a legume) grown

under conditions of water stress. Bonnell does not teach or suggest any effect or use of LCOs on nonleguminous plants. Claims 7-9, as amended, are directed to nonleguminous plants. Therefore, Bonnell does not anticipate claims 7-9.

Claims 7-13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Lerouge (U.S. Patent No. 5,549,718). Applicants traverse these rejections for the following reasons.

Claims 7-9, as amended, are directed to the effects of LCOs on flowering or fruiting in nonleguminous plants. Lerouge teaches a method for accelerating nodulation in legumes. Nodulation does not occur in nonleguminous plants. Lerouge does not teach or suggest treatment of any nonleguminous plant with LCOs or any effect of LCOs on a nonleguminous plant. Therefore, Lerouge does not anticipate claims 7-9.

Claims 7-13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Prithiviraj. Applicants traverse these rejections for the following reasons.

Claims 7-9, as amended, are directed to the effects of LCOs on flowering or fruiting in nonleguminous plants. Prithiviraj discloses that LCOs enhances germination when applied to seeds. Prithiviraj presents no experimental methodology or evidence of an effect of LCOs on flowering or fruiting in a nonleguminous plant. Therefore, Prithiviraj does anticipate claims 7-9.

For these reasons, Applicants respectfully request that the rejection of claims 7-13 be withdrawn. Because claims 14-16 all depend from allowable claims, they too are in condition for allowance.

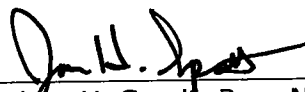
Appln. No.: 10/554,028
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Reply to Office Action of September 19, 2008

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Conclusion

For these reasons, it is respectfully submitted that claims 7-16 are in condition for immediate allowance and a notice to this effect is solicited. The Examiner is invited to telephone Applicants' attorney if it is believed that a telephonic interview would expedite prosecution of the application.

Respectfully submitted,



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